

The amendments to the specification at page 1 are to provide proper reference to the co-pending applications and at page 11, line 33 to improve punctuation.

Claims 1 and 11 were rejected under 35 U.S.C. §103 as unpatentable over Liu et al.

The Examiner stated in pertinent part:

Leu (*sic.*) et al. do not disclose items a-c. Selecting devices are commonly used in the art to provide outputs of selected signals chosen from among a variety of signals. It would have been obvious to a person having an ordinary level of skill in the art at the time the invention was made to have included this feature in the system disclosed by Leu (*sic.*) et al. since it provides for a method of discriminating between signals available from a source and providing them to a particular destination.

Note that Claims 1 and 11 have both been amended only to remove the word "MPEG" from their preambles.

The rejection of Claims 1 and 11 is traversed. The Examiner is correct of course that selecting devices are commonly used to provide outputs of selected signals chosen from a variety of signals. However there is no suggestion in Liu et al. or in any other of the cited references to provide the structure of Claim 1 or the steps recited in Claim 11 in conjunction with the other elements of these claims.

The specification at page 9 beginning at line 32 carrying over to page 10, line 24 describes how the logic used by the selector element 24 in one embodiment of the present invention reconstructs MPEG blocks contingently, depending on the type of frame being processed. The selection from amongst the various input signals in accordance with the invention is dependent on the frame type. Hence this is a contingent selection, dependent on a determination of the type of frame to be reconstructed.

Liu et al. provides no suggestion at all to do this; apparently in Liu et al. in all cases the interpolation control shown in Figure 1 is one of either a horizontal interpolation,

a vertical interpolation or a diagonal (combined horizontal and vertical) interpolation; thus only interpolation is used. There is no possibility of selecting, as recited in Claim 1 in its final clause part (a) "an externally provided signal", or as in Claim 1 part (c) "a sum of the externally provided signal and the average of the two averaged values."

The present inventors have found that this approach is advantageous in accordance with the frame types used in MPEG compression, but of course not so limited.

It is respectfully submitted that the Examiner's broad assertion of the common use of "selecting devices" fails to render obvious at least these portions of Claim 1. In order for a §103 rejection to be sustained, the claimed elements must either be disclosed in or made obvious by the cited references, or be commonly known in the art in conjunction with the elements of the cited references. The mere broad assertion of the existence of "selecting devices" by the Examiner fails to meet this requirement since the Examiner does not even say why it would be obvious to modify Liu et al. to provide the structure for instance of Claim 1. The suggested motivation by the Examiner, "since it provides for a method of discriminating between signals available from the source and providing them to a particular destination." does not appear to be pertinent since Liu et al. does not even suggest what is recited in Claim 1 and in fact teaches instead only the interpolation approach. Moreover the selection structure recited in Claim 1 of course requires selecting between the externally provided signal and the interpolation values or combining them, and not merely a simple selection. Hence for this additional reason Claim 1 distinguishes over the reference and is allowable.

Claim 11 recites a method including in its final clause elements a, b and c and hence distinguishes over the reference for reasons similar to those as discussed above in conjunction with Claim 1.

Hence all of originally pending Claims 1-11 are allowable and allowance thereof is requested.

New Claims 12 and 13 have been added to make more explicit the MPEG compression feature in accordance with this invention, and to recite the types of frames and to relate the types of frames to the various selected signals.

Liu et al. does not discuss MPEG compression at all and furthermore does not appear to discuss frame types. Even more importantly, Liu et al. does not discuss associating particular frame types with a particular types of frame reconstruction and selecting the type of frame reconstruction for a particular frame type. Hence clearly Claim 12 distinguishes over Liu et al. in addition to the fact that Claim 12 is dependent on Claim 1.

Claim 13 recites elements similar to those of Claim 12 and hence is allowable for similar reasons, in addition to the fact that Claim 13 depends on Claim 11.

Therefore all of pending Claims 1-13 are believed allowable and allowance is requested. If the Examiner contemplates other action, he is requested to call the undersigned at 408/453-9200.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C., 20231, on September 30, 1996.

Sept. 30, 1996   
Date of Signature Attorney for Applicants